

REMARKS

Claims 1 and 13-15 are cancelled without prejudice or disclaimer.

Therefore, claims 2-12 and 16 are the claims currently pending in the Application.

Claims 2-5, 7, 9-11 and 16 are amended to clarify features recited thereby.

Formal Matters

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, Applicant thanks the Examiner for reviewing and considering the references cited in the Information Disclosure Statement filed on August 26, 2002 and three of the references (page 2 of 2 of the form PTO-1449) of the Information Disclosure Statement filed on August 30, 2001.

However, Applicant notes that the Examiner has not acknowledged review and consideration of: (1) the remaining references of the Information Disclosure Statement filed on August 30, 2001, nor (2) the references cited in the Information Disclosure Statements filed on December 9, 2004 and on December 16, 2004. The Examiner is respectfully requested to so acknowledge.

Rejection of Claims 1 and 15 under 35 U.S.C. § 103

Independent claims 1 and 15 are rejected under 35 U.S.C. § 103 as being obvious from Kawanaka, U.S. Patent No. 6,351,763 in view of Masahide et al., Japanese Patent No. 11-203215.

Claims 1 and 15 are cancelled without prejudice or disclaimer. Therefore

this rejection is moot.

Rejection of Claims 2-14 and 16 under 35 U.S.C. § 103

Claims 2-14 and 16 are rejected under 35 U.S.C. § 103 as being obvious from Kawanaka and Masahide in view of what is allegedly well-known in the art.

Kawanaka, U.S. Patent No. 6,351,763 (“U.S. Kawanaka”) cannot be applied against the present U.S. Application. U.S. Kawanaka was published after the U.S. filing date of the present Application and could possibly have qualified as prior art only under 35 U.S.C. § 102(e). Therefore, pursuant to 35 U.S.C. § 103 (c), since U.S. Kawanaka was cited in a 35 U.S.C. § 103 obviousness rejection against the present Application, assigned to or subject to assignment to the same assignee, NEC, U.S. Kawanaka cannot preclude patentability of the present Application. Accordingly, this rejection should now be withdrawn.

Rejection of Claims 1 and 15 under 35 U.S.C. § 103

Claims 1 and 15 are rejected under 35 U.S.C. § 103 as being obvious from Japanese Patent No. 11-168495 (“JP Kawanaka”) in view of Masahide.

Claims 1 and 15 are cancelled without prejudice or disclaimer. Therefore this rejection is moot.

Rejection of Claims 2-14 and 16 under 35 U.S.C. § 103

Claims 2-14 and 16 are rejected under 35 U.S.C. § 103 as being obvious from JP Kawanaka and Masahide in view of what is allegedly well-known in the art.

Claims 13 and 14 are cancelled without prejudice or disclaimer, therefore the rejection is moot as to these claims.

Among the problems recognized and solved by Applicant's claimed invention is that of controlling a current date and hour set in a receiving computer in order to control the timing of the opening of an e-mail sent to the receiving computer. According to aspect of Applicant's claimed invention, if a current date and hour is not set in the receiving side communication terminal, it is required that it be set. Further, according to an aspect of Applicant's claimed invention, the open date and hour is changed when the current date and hour is changed.

For at least the following reasons Applicant's claimed invention is neither anticipated by, nor obvious from the cited prior art. By way of example, independent claim 2 requires, requiring, based on the receipt of the electronic mail, the receiving side communication terminal to set the current date and hour when the receiving side communication terminal does not have the current date and hour set. Further, independent claim 9 requires, *inter alia*, changing the opening date and hour when the current date and hour is changed to another current date and hour.

Japanese Kawanaka, as best understood, appears to disclose an electronic mail system in which an e-mail is deleted when a user attempts to open the e-mail if the current date does not equal the designated date of opening. Masahide discloses a system in which a receiving terminal extracts a date and time from the e-mail and automatically opens the e-mail at the designated time.

The Examiner acknowledges that neither Kawanaka nor Masahide discloses or suggests requiring the receiving side communication terminal to set the

current date and hour when the receiving side communication terminal does not have the current date and hour set. However, the Examiner takes Official Notice that it is well-known to require a desktop computer to set the current date and hour when a computer does not have the correct current date and hour set. The Examiner gives the example of setting the current date and hour when an event such as the beginning of daylight savings time occurs.

First, while setting a current date and time in a computer may be well-known, requiring the receiving side communication terminal to set the current date and hour based on the receipt of the electronic mail, and as part of the method of transmitting and receiving electronic mail, is not disclosed or suggested in the prior art. The Examiner gives the example of a user adjusting the time in a computer at the beginning of the daylight savings time. This example is not on point because in that situation an external event, a prompt by other people or the calendar, prompts the user to adjust the current hour. As discussed, claim 2 requires that the requiring of the setting of the receiving side communication terminal's current time and hour is based on the receipt of the electronic mail.

Further, the requiring of the setting of the receiving side communication terminal's current time and hour is part of a method of transmitting and receiving electronic mail. Also, in changing the clock in a daylight savings time adjustment situation, the setting of the date of the receiving communication terminal would typically not be required. Therefore, Applicant's claimed invention as claimed in independent claim 2 is not disclosed or suggested by the cited prior art and the Official Notice taken, even if these were combined and taken as a whole.

Moreover, it is respectfully submitted that there would have been no suggestion or motivation for Applicant's claimed invention based on the cited references and the Official Notice taken. The Examiner suggests that the motivation would have been to make the user of the computer aware of the correct current time when viewing the computer screen. The Examiner gives the example of setting the current time when the change occurs due to the beginning of daylight savings time. However, the Examiner does not explain how a user's need to view the current time would motivate a person of ordinary skill in the art to combine the cited references and the teaching allegedly well-known in the prior art. That is, it is unclear what would have motivated combining adjusting a computer's clock at the beginning of daylight savings time in order to allow a user to view the correct time with the cited references to arrive at Applicant's claimed invention. Therefore, Applicant respectfully submits that no motivation for combining the cited references and teaching would have existed for a person of ordinary skill in the art without resort to impermissible hindsight reconstruction based on the Applicant's own disclosure.

Accordingly, there would have been no motivation for combining the cited references and teaching to arrive at Applicant's claimed invention. Thus, the present rejection should now be withdrawn with respect to independent claim 2.

Claims 3-8 depend from independent claim 2 and thus incorporate novel and nonobvious features thereof. Therefore, claims 3-8 are patentably distinguishable the prior art for at least the reasons that independent claim 2 is patentably distinguishable over the prior art.

With respect to independent claim 9, the cited references and teaching of which the Examiner takes Official Notice do not disclosed or suggest changing the open date and hour. The Examiner alleges that when the user changes the computer's clock at the beginning of daylight savings time, the open date and hour on the receiving computer will also change. However, the Examiner provides no explanation of how or why the open date and hour would change in response to the adjusting of the computer's clock. As discussed, the open date and hour are associated with a received electronic mail.

Applicant respectfully submits that the cited references and teaching, even if combined as a whole, do not disclose or suggests changing the open date and hour, as *inter alia* required by independent claim 9. Further, since the references and teaching do not disclose or suggests changing the open date and hour, they are incapable of disclosing or suggesting such change based on the current date and hour and the another current date and hour, as required by independent claim 9.

Moreover, Applicant respectfully submits that, as explained above with respect to independent claim 2, there would have been no teaching or motivation for combining the cited references and teaching.


Claims 10-12 depend from independent claim 9 and thus incorporate novel and nonobvious features thereof. Therefore, claims 10-12 are patentably distinguishable over the prior art for at least the reasons that independent claim 9 is patentably distinguishable over the prior art.

Independent claim 16 requires changing the open date and hour when the current date and hour are changed. As discussed with respect to independent claim 9, the cited prior art and teaching do not disclose or suggest such features. Moreover, as

discussed there would have been no teaching or motivation for combining the cited references and teaching. Therefore, this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,


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